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1	Mark R. Thierman (Bar No. 8285)
2	mark@thiermanbuck.com
	Joshua D. Buck (Bar No. 12187)
3	josh@thiermanbuck.com
4	Leah L. Jones (Bar No. 13161)
4	leah@thiermanbuck.com
_	THIERMAN BUCK, LLP
5	7287 Lakeside Drive
6	Reno, Nevada 89511
	Tel.: (775) 284-1500
7	Fax.: (775) 703-5027
8	
8	David R. Markham (<i>Pro Hac Vice</i>)
9	dmarkham@markham-law.com
,	THE MARKHAM LAW FIRM
10	750 B Street, Suite 1950
10	San Diego, CA 92101
11	Tel.: (619) 399-3995
11	Fax.: (619) 615-2067
12	
	Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHARDE EVANS, on behalf of herself, and all others similarly situated, Plaintiff, v. WAL-MART STORES, INC., and DOES 1 through 50, Inclusive,

Defendant.

Case No.: 2:10-CV-1224-JCM-VCF

DECLARATION OF MARK R. ERMAN IN SUPPORT OF UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION **SETTLEMENT**

- I, Mark R. Thierman, being duly sworn, upon oath, deposes and says:
- 1. The following declaration is based upon my own personal observation and knowledge, and if called upon to testify to the things contained herein, I could competently so

testify.

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- 2. I am an attorney at law and partner with Thierman Buck, LLP and I am admitted to practice law in the states of California and Nevada, and the United States District Court of Nevada, Northern District of California, Southern District of California, Central District of California, the Sixth Circuit Court of Appeals, the Ninth Circuit Court of Appeals, the Eleventh Circuit Court of Appeals, and the United States Supreme Court. Attached hereto as Exhibit A is a current CV which lists my qualifications and case experience.
- 3. I am counsel of record for Plaintiffs Charde Evans and Lisa Pizzurro-Westcott in this action. I have participated in nearly all aspects of this litigation. Additionally, as a Partner in our firm, I also oversaw a great deal of the work that was performed in this case and was instrumental in the negotiations, which lasted for over a decade.
- 4. The case and settlement-specific information was included in the declaration of Joshua D. Buck and will not be repeated herein.
- 5. The Settlement provided for the fees requested in this case are based on a percentage of the common fund of \$8,700,000.00 or \$2,900,000.00 in attorneys' fees (approximately one-third of the maximum settlement amount); and up to \$65,00.000 in litigation costs.
- 6. As this court stated in its order granting preliminary approval of the settlement in this case, Case 2:10-cv-01224-JCM-VCF Document 129 Filed 02/24/20 Page 10-11 of 13:

Here, counsel has "undertak[en] complex, risky, expensive, and timeconsuming litigation that has lasted 10 years—solely on a contingency basis." (ECF No. 128 at 14). The proposed fee award represents approximately one third of the class settlement amount, well within the range of reasonable attorney fees in such cases. See, e.g., Monterrubio v. Best Buy Stores, L.P., 291 F.R.D. 443, 457 (E.D. Cal. 2013); Vasquez v. Coast Valley Roofing, Inc., 266 F.R.D. 482, 491–92 (E.D. Cal. 2010); Benitez v. Wilbur, No. CV F 08-1122 LJO GSA, 2009 WL 10713095 (E.D. Cal. Dec. 15, 2009); Chavez v. Petrissans, No. CV F 08-0122 LJO

GSA, 2009 WL 10713094 (E.D. Cal. Dec. 15, 2009); Willis v. Cal-
Western Transp., CIV F-00-5695 AWI LJO, 2003 U.S. Dist. LEXIS
28606 (E.D. Cal. July 25, 2003), recommendation adopted by Willis v. Ca
Western Transp., 2003 U.S. Dist. LEXIS 28488 (E.D. Cal. Aug. 20, 2003)
[¶] Accordingly, the court finds that the proposed settlement is, for the
purposes of preliminary approval, fair, adequate, and reasonable. The
court grants plaintiffs' motion for preliminary approval of class action
settlement.

- 7. The settlement was reached in a fair adversarial process after protracted litigation with full understanding of the value of the case by experienced attorneys. Because the attorneys' fees will never be more than one-third of the entire settlement amount, the Notice to Class Members notified Class Members of the amount, no Class Members objected, and the amount is based on the common fund, there is no sign of distortional benefit to class counsel.
- 8. I have no conflicts of interests with the Class Members in this action, and I am not related to the named Plaintiffs. Additionally, I have not previously represented Defendants in any matter.
- 9. It is in my opinion, having litigated hundreds of wage and hour case over the last 42 years, that the Settlement is fair, reasonable, and adequate; therefore, I respectfully request that the Settlement be granted final approval.

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the foregoing is true and correct.

Executed on June 5, 2020, in Reno, Nevada.

/s/Mark R. Thierman
Mark R. Thierman

Index of Exhibits

Exhibit A Thierman CV

10 Pages

EXHIBIT A

Mark R. Theirman CV

EXHIBIT A

MARK R. THIERMAN

Executive Summary

1976 Harvard Law School graduate with 42 years' experience representing both management side and employee side in labor relations and employment litigation. In approximately 250 class actions certified, conditionally certified or certified for settlement purposes (including those tried to completion), obtained over a *Billion dollars* in restitution for improper wage payments to employees. Many precedent setting cases, including argued before the United States Supreme Court in the case of *Integrity Staffing Sols., Inc. v. Busk,* 135 S. Ct. 513, 190 L. Ed. 2d 410 (2014). A copy of Westlaw Attorney Litigation History Report from 1990 to 2019 is attached hereto—NB Westlaw does not include many NLRB, arbitration and other administrative cases or nor report cases before 1990.

Contact Information

7287 Lakeside Drive Reno, NV 89511 Tel (775) 284-1500, fax (775) 703-5029 email mark@thiermanbuck.com website www.thiermanbuck.com

Education

BA 1973 New York University, New York, NY

Phi Beta Kappa, Magna Cum Laude, Founders Day Award, Class Representative at Graduation, Mr. Justice Bloustein Award for Pre-Law Studies, Adolph Ochs Adler (New York Times) Award for Community Service and Scholarship.

JD 1976 Harvard Law School. Cambridge, MA

Admitted to practice in the state courts of California and Nevada, all federal Courts located in those states, US Supreme Court and 2nd, 3rd, 5th, 6th, 8th, th 9th, 11th and DC Circuit Court of Appeals. Pro hoc admission to USDC in Texas, Alabama, Minnesota, and New York.

Publications Include

"Lowest Responsible Bidder: A Guide to Merit Shop Construction: (1985-Executive Enterprises, New York, pp. 328)

Returning to Fundamentals: Applying the National Labor Relations Act to Class Action Employment Litigation, California Labor and Employment Review, State Bar Sept.2003 "Safety Plan Builder: OSHA Compliance Software & Text" (1995- JIAN Tools for Sale, Mountain View, CA, pp 231text plus complied database)

Chapter on OSHA Compliance in "Advising California Employers" 2000, California Continuing Education of the Bar, Berkeley, CA.

"Build Your Own California Safety Manual on Disk" 1991 Parley Intern'l, Emeryville, CA. Understanding California and Federal Prevailing Wage Law, Almost" 1987, McGraw Hill's Daily Pacific Builder, two part series with various reprinting;

Apprenticeship and Prevailing Wage, (id.)

"What to Do When the Union Calls (1987 McGraw Hill, Daily Pacific Builder);

"Terminating Union Agreements and the Collective Bargaining Process" Chapter I of The ABC's of Going Open Shop and Staying That Way (Associated Builders & Contractors National Office, Washington DC 1984);

Advantages and Design Criteria of Individualized and Master Pension and Health Insurance Plans for Public Works Contractors, IRCC Magazine

"Contracting with Rules for Wage Rates In Mind" by McGraw Hill, April 9, 1987, California's Union Chickens Have Come Home To Roost (Engineering News Record) Many seminars, radio show and other recognition.

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Litigation History Report

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Cooks, Hon, Valerie P.	Coegler, Hon, L. Scott	Cobb, Hon, William G.	Clifton, Hon, Richard R.	Clay, Hon, Eric L.	Chooljan, Hon, Jacqueline	Chesney, Hon, Maxine M,	Cherry, Hon, Michael A,	Chen, Hon, Edward M.	Carvill, Hon, Wynne	Carter, Hon, David O.	Callahan, Hon, Consuelo M.	Cabranes, Hon, Jose A,	Bybee, Hon, Jay S.	Brimmer, Hon. Philip A.	Bright, Han. Dennis	Brick, Hon. Steven A.	Breyer, Hon, Charles R.	Brazile, Hon. Kevin C.	Brazil, Hon, Wayne D.	Boutware, Hon. Richard Franklin III.	Borick, Hon. Ariene Theresa	Black, Han, Robert N.	Blackburn, Hon, Sharon L.	Berzon, Hon, Marsha S.	Bedr. Han, Dennis L.	Bea, Hon, Carlos T.	Batchelder, Hon, Alics M.	Banke, Hon, Kathleen M.	Bailus, Hon, Mark B.	Allas, Hon, Nancy F.	Aronson, Hon, Richard M,	Armstrong, Hon. Saundra Brown	Anderson, Hon. Percy	Alsup, Hon, William H.	Aldrich, Hon. Richard Dennis	Abrams, Hon. Paul L	Abel, Hon, Mark R.
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McDermatt, Han, John E.	McBryde, Han, John H.	Matz, Hon, A. Howard	Margulies, Hon. Sandra L.	Marchiano, Hon. James John	Major, Hon, Barbara L.	Mahan, Hon, James C,	MacKinnon, Hon, Alexander F.	Lloyd, Hon, Howard R.	Lesson, Hon, Joseph F. Jr.	Leen, Hon, Peggy A.	Laporte, Hon, Elizabeth D.	Lake, Hon, Sim	Kwan, Hon, Ruth Ann	Kuhl, Hon, Carolyn B.	Kriegler, Hon. Sandy R.	Koppe, Hon. Nancy J.	Komar, Hon, Jack	Kleinfeld, Hon. Andrew J.	Kleinberg, Hon, James Paul	Klein, Han, Joan Dempsey	Kishner, Hon. Joanna S.	King, Hon, Lloyd	Kenton, Hon, Victor B.	Kapian, Hon, Lewis A.	Kagan, Hon, Elena	Janes, Han, Robert C.	Jahnston, Hon. Robert J.	Ikuta, Hon, Sandra S.	ikola, Hon, Raymond J.	Hurwitz, Hon, Andrew D.	Hunt, Hon, Roger L.	Hug, Han, Procter Ralph Jr.	Huber, Hon, Joseph	Hallows, Han, Gregary G.	Hogue, Hon. Amy D.	Hoffman, Hon, Carl W.	nows, non, carry R.
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